

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) CABRERA, Guillermo			2. EDIPI (b) (6), (b) (7)(C)	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3d Marine Aircraft Wing, Marine Corps Air Station Miramar, California				6. CURRENT SERVICE a. INITIAL DATE 11 Aug 14 b. TERM 5 yrs	
7. PAY PER MONTH a. BASIC \$2,004.30 b. SEA/FOREIGN DUTY None c. TOTAL \$2,004.30			8. NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement		9. DATE(S) IMPOSED 26 Jan 17 - Present

## II. CHARGES AND SPECIFICATIONS

### 10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 120

**Specification 1:** In that Lance Corporal Guillermo Cabrera, U.S. Marine Corps, Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3d Marine Aircraft Wing, Marine Corps Air Station Miramar, California, on active duty, did, on board Marine Corps Air Station Miramar, California, on or about 15 January 2017, commit a sexual act upon (b) (6), (b) (7)(C), U.S. Marine Corps, to wit: penetration of her vulva by the said Lance Corporal Cabrera's penis, by causing bodily harm to her, to wit: any offensive touching of the said (b) (6), (b) (7)(C), however slight, including any nonconsensual sexual act or nonconsensual sexual contact.

**Specification 2:** In that Lance Corporal Guillermo Cabrera, U.S. Marine Corps, Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3d Marine Aircraft Wing, Marine Corps Air Station Miramar, California, on active duty, did, on board Marine Corps Air Station Miramar, California, on or about 15 January 2017, commit a sexual act upon (b) (6), (b) (7)(C), U.S. Marine Corps, to wit: penetration of her vulva by the said Lance Corporal Cabrera's penis, when he knew or reasonably should have known that the said (b) (6), (b) (7)(C) was asleep.

(END)

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6), (b) (7)(C)	b. GRADE E-3	c. ORGANIZATION OF ACCUSER HqHqRon, MCAS Miramar, CA
d. SIGNATURE OF ACCUSER (b) (6), (b) (7)(C)	e. DATE 2017 03 07	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7th day of March, 2017, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

(b) (6), (b) (7)(C)  
\_\_\_\_\_  
Typed Name of Officer

HqHqRon, MCAS Miramar, CA  
\_\_\_\_\_  
Organization of Officer

CAPTAIN, USMC  
\_\_\_\_\_  
Grade and Service

TRIAL COUNSEL  
\_\_\_\_\_  
Official Capacity to Administer Oaths  
(See R.C.M. 307(b)--must be commissioned officer)

(b) (6), (b) (7)(C)  
\_\_\_\_\_  
Signature

12. On 8 MARCH, 20 17, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6), (b) (7)(C)

Typed Name of Immediate Commander

HMH-361, MAG-16, 3d MAW

Organization of Immediate Commander

1STLT, USMC

Grade

(b) (6), (b) (7)(C)

#### IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1802 hours, 7 MARCH, 20 17 at HMH-361, MAG-16, 3d MAW  
Designation of Command or

MCAS Miramar, CA

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE: COMMANDING OFFICER

(b) (6), (b) (7)(C)

Typed Name of Officer

LEGAL OFFICER

Official Capacity of Officer Signing

1STLT, USMC

Grade

(b) (6), (b) (7)(C)

#### V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

3d MAW, MCAS Miramar

San Diego, CA

MAR 31 2017

Referred for trial to the General court-martial convened by GCMCO #1-16

Dated 30, December, 20 16, subject to the following instructions: None.

by of  
Command or Order

M. R. WISE

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

MAJOR GENERAL, USMC

Grade

(b) (6), (b) (7)(C)

Signature

15. On April 3rd, 20 17, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6), (b) (7)(C)

Typed Name of Trial Counsel

CAPTAIN, USMC

Grade or Rank of Trial Counsel

(b) (6), (b) (7)(C)

Signature

#### FOOTNOTES

1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.